federal register

WEDNESDAY, DECEMBER 6, 1978
PART III

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

Reports

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

Reports

To The Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith propose rescission of $75,000 in unneeded funds appropriated to the Forign Claims Settlement Commission.

In addition, I am reporting four new deferrals of budget authority totalling $889 million and two revisions to previously transmitted deferrals increasing the amount deferred by $21.4 million in budget authority. These items involve the military assistance program and programs in the Departments of Commerce, Defense, Justice, and State.

The details of the rescission proposal and the deferrals are contained in the attached reports.

Jimmy Carter

THE WHITE HOUSE, *November 30, 1978.*

[3110-01-C]

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission No.	Item	Budget Authority
R79-1	Other Independent Agencies:	
	Foreign Claims Settlement Commission	
	Salaries and Expenses.....	75
Deferral No.		
	Funds Appropriated to the President:	
	International Security Assistance	
D79-31	Military assistance.....	161,875
	Department of Commerce:	
	United States Fire Administration	
D79-32	Facilities.....	6,150
	Maritime Administration	
D79-33	Ship construction.....	157,000
	Department of Defense-Military:	
D79-34	Shipbuilding and Conversion, Navy.	563,940
	Department of Justice:	
	Federal Prision System	
D79-17A	Buildings and facilities.....	37,165
	Department of State:	
	United States emergency refugee	
D79-18A	and migration assistance fund....	12,250
	Subtotal, deferrals.....	938,380
	Total, rescission proposal and deferrals.....	938,455

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1979
(in thousands of dollars)

	Rescissions	Deferrals
Second special message:		
New items.....	75	888,965
Changes to amounts previously submitted..	—	21,365
Effect of second special message.....	75	910,330
Previous special messages.....	—	1,178,229
Total amount proposed in special messages..	75 (in one rescission)	2,088,559 (in 34 deferrals)

NOTE: All amounts listed represent budget authority except for $2,404,000 in one general revenue sharing deferral of outlays only.

Proclamation Proposal No: R79-1

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 95-444

Agency Foreign Claims Settlement Commission	New budget authority (P.L. 95-431 ___) $ 1,015,000
Bureau	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 1,015,000
Salaries and Expenses 7990100	Amount proposed for rescission $ 75,000
OMB identification code: 79-0100-0-1-153	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ___
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year ___ (expiration date)	☐ Contract authority
☐ No-year	☐ Other ___

Justification - The Foreign Claims Settlement Commission adjudicates the claims of American citizens against foreign countries for losses resulting from the seizure of properties, including nationalizations, expropriations, war damages, etc. During fiscal year 1979, the Commission will be engaged mainly in adjudicating the claims of Americans against the German Democratic Republic pursuant to Public Law 94-542. The State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, (P.L. 95-431) provided for an appropriation of $1,015,000, to be derived by transfer from available balances from the Commission's "Payment of Vietnam Prisoner of War Claims" account to cover the Commission's administrative expenses.

The Commission anticipates a reduction in the workload related to the East German claims program in fiscal year 1979 resulting from the reduced number of claims received. Staff requirements have been reduced accordingly, and $75,000 have been identified as excess to program needs. Therefore, rescission of these funds is proposed.

This action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects - There is no programmatic effect resulting from this rescission proposal.

R79-1

Outlay Effect: (estimated in thousands of dollars)

Comparison with the President's 1979 Budget:

1. Budget outlay estimate for 1979	930
2. Outlay savings, if any, included in the budget outlay estimate	---
Current outlay estimates for 1979:	
3. Without rescission	808
4. With rescission	733
5. Current outlay savings	70
Outlay savings for 1980	5

R79-1

TITLE V - RELATED AGENCIES

Foreign Claims Settlement Commission

Salaries and Expenses

(Transfer of Funds)

Of the funds appropriated under this head in the State, Justice, and Commerce, the Judiciary and Related Agencies Appropriation Act, 1979, $75,000 are rescinded.

Deferral No: D79-31

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. 95-481) $ 83,375,000
Bureau International Security Assistance	Other budgetary resources 127,000,000 1/
Appropriation title & symbol Military Assistance 2/ 1191080	Total budgetary resources 210,375,000
	Amount to be deferred: Part of year $ 161,875,000 Entire year
OMB identification code: 11-1080-0-1-052	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other
Grant program [X] Yes [ ] No	
Type of account or fund: [X] Annual [ ] Multiple-year ____/____ (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish military assistance ."...to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the U.S. and promote world peace..." Funds for this purpose were appropriated in the Foreign Assistance and Related Programs Appropriation Act of 1979 and previous years.

The Administration is reviewing the proposed program within the new constraints imposed by the Foreign Assistance and Related Programs Appropriations Act of 1979 to determine what adjustments in allocation of funds to recipient countries are necessary and will report these to Congress in accordance with Section 653 of the Foreign Assistance Act of 1961, as amended. Pending this determination and the required congressional notification, $161,875,000 of military assistance funds are deferred. This temporary deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665) to achieve the most economical use of the appropriations.

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: This temporary deferral has no effect on outlays.

1/ The availability of these funds was extended until September 30, 1979, by P.L. 95-481.

2/ This account was the subject of a deferral in FY 1978.

Deferral No: D79-32

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. ____) $ ____
Bureau United States Fire Administration	Other budgetary resources 6,150,000
Appropriation title & symbol Facilities 138/00801	Total budgetary resources 6,150,000
	Amount to be deferred: Part of year $ 6,150,000 Entire year
OMB identification code: 13-0801-0-1-451	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [X] Multiple-year September 30, 1980 (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification:

The Second Supplemental Appropriations Act, 1978, provided $6,150,000 for the renovation of the National Fire Academy site located at the former Marjorie Webster Junior College in Washington, D.C. However, concern about the cost of renovating the college, and possible future limitations on expansion due to local zoning laws prompted Congress to direct the United States Fire Administration to sell the present site and acquire another site for construction of a new academy.

Alternate sites for a new fire academy are now being considered. These funds are deferred pending the selection of a new site.

Estimated Effects:

This deferral has no effect on the program as currently planned for FY 1979.

Outlay Effect:

There will be no outlay effect since the funds would not be used if made available.

Deferral No: D79-33

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 95-431) $ 157,000,000
Bureau: Maritime Administration	Other budgetary resources 308,933,780
Appropriation title & symbol: Ship Construction 1/ 13X1708	Total budgetary resources 465,933,780
	Amount to be deferred: Part of year $ ____
	Entire year 157,000,000
OMB identification code: 13-1708-0-1-403	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [X] Yes [ ] No	[ ] Other ____
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year ____ (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other ____

Justification:

This appropriation, available until expended, provides subsidies to U.S. shipyards for the construction and reconstruction of ships to be operated in the U.S.-foreign trade.

The deferral, totalling $157,000,000, is based on the current projections of reliable demand for U.S. shipbuilding. Anticipated new shipbuilding contracts during FY 1979 can be funded with the $308,933,780 apportioned for this period. The amount deferred will be used in succeeding years.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665) which provides that funds not limited to a definite period of time shall be apportioned so as to achieve their most effective and economical use.

Estimated Effects:

The deferral will not delay any planned construction or reconstruction of subsidized ships and will not affect the international competitive position of U.S. shipyards.

Outlay Effect:

There is no outlay effect of this deferral.

1/ This account was the subject of a similar deferral in FY 1978.

Deferral No: D79-34

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Military	New budget authority (P.L. 95-457) $ 3,759,600,000
Bureau	Other budgetary resources 5,000,000
Appropriation title & symbol: Shipbuilding and Conversion Navy 1/ 179/31611	Total budgetary resources 3,764,600,000
	Amount to be deferred: Part of year $ ____
	Entire year 563,940,000
OMB identification code: 17-1611-0-1-051	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[X] Multiple-year September 30, 1983 (expiration date)	[ ] Contract authority
[ ] No-year	[ ] Other ____

Justification:
These funds are proposed for deferral through September 30, 1979. Due to the long period of time required to build ships, the Congress makes appropriations available for five-year periods.

Since these funds are, by law, made available beyond the current year, they are not fully apportioned in the current year. The unapportioned amount is withheld and released as the program develops and additional funds are required. The amounts deferred are to be released contingent upon the development of program needs that arise in current and future years.

Prudent financial management requires the deferral of those funds that could not be used effectively during the current year even if made available for obligation.

The above multiple-year appropriation is currently being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665), which authorizes the establishment of reserves for contingencies.

Estimated Effects:
Deferral of $563,940,000 will have no programmatic or budgetary effect since the funds could not be obligated at this time, even if made available.

Outlay Effects:
There is no outlay effect resulting from this deferral since the funds could not be used if made available.

1/ This account was the subject of a similar deferral in FY 1978.

D79-17A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D79-17 transmitted to the Congress on October 2, 1979, and printed as House Document No. 95-392.

The amount deferred for the Federal Prison System's Buildings and facilities account is $37,165,000, an increase of $11,865,000 over the amount previously deferred. This change results from an increase in budgetary resources made available by the State, Justice, and Commerce, the Judiciary and Related Agencies Appropriation Act of 1979.

Deferral No: D79-17 A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Justice	New budget authority (P.L. _____) $35,280,000*
Bureau Federal Prison System	Other budgetary resources 51,908,354
Appropriation title & symbol Buildings and Facilities 1/ 15X1003	Total budgetary resources 87,188,354*
	Amount to be deferred: Part of year $_____ Entire year 37,165,000*
CFT identification code: 15-1003-0-1-753	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other _____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: *This appropriation finances planning, acquisition of sites, and construction of new penal and correctional facilities as well as construction, remodeling, and equipping of necessary buildings and facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding, close old and antiquated penitentiaries, and provide a safe and humane environment for staff and inmates. These funds were appropriated in the Departments of State, Justice, and Commerce, the Judiciary and Related Agencies Appropriation Act of 1979 and previous years. Due to the time required for planning, site acquisition, design efforts, and selection of contractors, it is not possible to complete the construction, renovation, and rehabilitation associated with these projects during FY 1979. This deferral is consistent with the congressional intent to provide no-year funding for the total cost of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred could not be economically used, if made available, in fiscal year 1979, because of the planned and phased procurement, construction and installation cycle.

Outlay Effect: In FY 1979 there is no outlay effect of this deferral.

1/ This account was the subject of a deferral during FY 1978.

* Revised from previous report.

D79-18A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D79-18 transmitted to the Congress on October 2, 1978 and printed as House Document No. 95-392.

The amount deferred for the United States Emergency Refugee and Migration Assistance Fund is $12,250,000, an increase of $9,500,000 over the amount previously deferred. This change results from an increase in budgetary resources made available by the Foreign Assistance and Related Programs Appropriation Act, 1979.

Deferral No: D79-18A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of State Bureau	New budget authority (P.L. _____) $ 9,500,000* Other budgetary resources 2,750,000 Total budgetary resources 12,250,000*
Appropriation title & symbol United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 11X0040	Amount to be deferred: Part of year $ 12,250,000* Entire year _____
OMB identification code: 11-0040-0-1-151 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: *Section 501(a) of the Foreign Relations Authorization Act, Fiscal Year 1976, Public Law 94-141, approved November 29, 1975, amended section 2(c) of the Refugee and Migration Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $25 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

In addition to $2,750,000 in unobligated balances previously deferred, the Foreign Assistance and Related Programs Appropriation Act, 1979 (P.L. 95-481) provided $9,500,000 in new budget authority for the Fund. Consonant with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations (31 U.S.C. 665(c)(1), $12,250,000 of the Fund is now deferred. It is anticipated that reapportionments may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund.

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: No effect on outlays results from this deferral action.

1/ This account was the subject of a similar deferral during FY 1978.
* Revised from previous report.

[FR Doc. 78-34165 Filed 12-5-78; 8:45 am]